

REMARKS

In view of the accompanying Request for Continued Examination, reconsideration of pending claims 1 and 3-19 is respectfully requested.

Claims 1 and 12 have been amended to further distinguish the claimed window assembly and vent screen from the known prior art. In particular, first and second ends of the guide rails are recited, wherein the guide rails extend between first ends proximate to one side portion (i.e., a side portion of one stationary window defining the opening) and second ends positioned beyond the other side portion (i.e., the side portion of the other stationary window defining the other side of the opening). The retraction device is recited as being supported by and mounted to and between the first ends of said guide rails. Portions of the specification supporting these amendments include paragraph [0031], first and sixth sentences, and Figures 1-4.

The rejection of claims 1 and 3-19 under 35 USC 103(a) as being unpatentable over Davis in view of Poppema is respectfully traversed. Claim 1 concerns a motor vehicle window assembly having a pair of spaced-apart stationary windows creating an opening, a pair of spaced apart guide rails each defining a channel, a moveable window slidingly received within the channels to selectively cover the opening in a closed position and selectively uncover the opening in an open position, and a vent screen having a retraction device and a screen panel. The guide rails extend between first ends proximate to one side portion and second ends positioned beyond the other side portion.

The retraction device is supported by and mounted to and between the first ends of said guide rails. It is connected to a first end of the screen panel and is adapted to automatically spool the screen panel. The screen panel further includes a second end attached to the moveable window whereby displacement of the moveable window from closed to open causes the screen panel to be extended over the opening, and whereby displacement of the moveable window to a closed position allows the screen panel to be spooled by the retraction device.

Davis teaches slidable windows and screen members in the form of rigid panels that slide in tracks over an opening. In all embodiments shown by Davis, the slidable window and the screen member can slide independently (i.e., they are or can be unattached). In the embodiment of Figures 5 and 6, the slidable window and the screen member can additionally be attached to move cooperatively as a single unit (col. 3, lines 57-60).

Whether the slidable screen and slidable windows of Davis are contained in the same track or different tracks, in all of Davis' embodiments they slide beyond each side portion of the window opening. Therefore, the tracks always extend laterally beyond the sides of the opening by a distance sufficient to accommodate movement of the sliding panels away from the opening.

Poppema teaches a screen door assembly for selectively covering a door opening. Upper and lower brackets above and below the door opening guide the screen as it is opened and closed. There is no slidable window or any other panel that moves through the brackets. Moreover, the screen traverses the full length of the brackets (tracks) between both sides of the door frame and the brackets do not extend beyond the door frame on either side.

In contrast, the guide rails recited in claims 1 and 12 have one end that is proximate to one side portion of the opening. Only the second ends of the guide rails extend beyond the opening. Neither Davis nor Poppema teach or suggest the recited configuration of the guide rails. Furthermore, nothing in the combination of Davis and Poppema would lead one skilled in the art to modify the guide tracks to a configuration that is shown in neither reference.

The Advisory Action stated that "Figure 6 of Davis appear to show the track need only remain open at one end." Figure 5 is a top view of the embodiment of Figure 6 and shows that the window and screen are in the same track. Since the window and screen are shown extending beyond each side of the opening, the track must necessarily extend continuously beyond both sides of the opening. Therefore, the quoted statement is erroneous.

The Advisory Action argues that there is motivation to combine the references because “the combination of Poppema with Davis would allow the screen to be automatically stored when the moveable window is closed.” This, however, merely reflects the fact that the invention has an advantage. It is not any indication that one skilled in the art would have been led to combine the references. On the contrary, there is no reason why there would have been any motivation to combine the spooling screen of Poppema which does not use and could not accommodate any sliding panels with the sliding panel system of Davis. Thus, claims 1 and 3-19 are allowable over the cited references.

In view of the foregoing amendment and remarks, claims 1 and 3-19 are now in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,



Mark L. Mollon
Attorney for Applicant(s)
Reg. No. 31,123

Dated: December 21, 2005
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
(734) 542-0900
(734) 542-9569 (fax)